

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFERY M. WALKER,	:
Petitioner	:
v.	: Case No. 3:10-cv-324-KRG-KAP
ROBERT WERLINGER, WARDEN,	:
F.C.I. LORETTO,	:
Respondent	:

MEMORANDUM ORDER

Petitioner's motion for reconsideration, docket no. 5, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(c) and Local Rule 72.1 for Magistrate Judges.

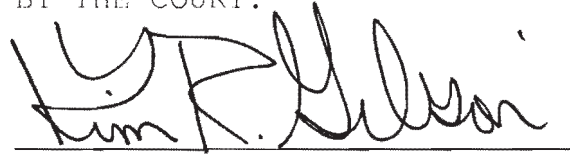
The Magistrate Judge filed a Report and Recommendation on May 18, 2011, docket no. 6, recommending that the motion be denied. The petitioner was notified, pursuant to 28 U.S.C. § 636(b)(1), that he had fourteen days to file written objections to the Report and Recommendation. Petitioner filed objections which assert his incorrect belief that he can prosecute a prison conditions complaint for the filing fee (unpaid) of a habeas petition. Dismissal without prejudice means that petitioner is free to begin again by filing a complaint with the \$350.00 filing paid in full or in installments pursuant to the Prison Litigation Reform Act.

Upon de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 26th day of May 2011, it is

ORDERED that the motion for reconsideration, docket no.
5, is denied.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Jeffery M. Walker, Reg. No. 33424-069
F.C.I. Loretto
P.O. Box 1000
Loretto, PA 15940